

ZB# 92-47

**Quality Home Builders /
Mecca**

59-2-1

Prelim.

Dec. 14, 1992.

Who ~~owns~~ shot #2?

History of lot sizes in neighborhood

Need:

① Proxy letter from owner - Mecca. ~~There~~

② Copy of Deed.

③ Title Report

④ Photographs ✓

⑤ Fees: \$50.00 }
250.00 }

Motion to sched. P.H.

Public Hearing:

Jan. 25, 1993

Notice to Sentinel

1/1/93.

Need checks & letters. ✓

F.D. -

Area
Variance

MADE IN U.S.A.

NO. 753 1/3

ESSELTE

Oxford®

Approved
1/25/93-

add. fees due:
\$ 57.50 ✓ Paid
3/2/93.

#92-47- Quality Homes/Mecca

CG-2109 B. GUERRIERO
DH, L-N-NEAL



CO-209 B. C. D. H. 1-2-NEALS



TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

13079

Received of Jan. 7 1992
Quality Custom Home Contractors \$ 50.00

Forty and 00 DOLLARS

For 3BA Application Fee #92-47

DISTRIBUTION:

FUND	CODE	AMOUNT
Check 1655		50.00

By Pauline M. Townsend

Town Clerk

Title



#47-47-Quantity Home of the State



APPLICANT:

FILE # #92-47.

COMMERCIAL: \$150.00

\$ 50.00 paid
CK 1655 1/6/93

\$ 250.00 paid 1/6/93
ck. #

12/4/92 - 7 pages

\$ 31.50

4

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1 | 25 | 93

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TOTAL

\$ 56.00
\$ 67.50

Ad.

HRS.

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HRS.

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HRS.

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19

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HRS.

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4

116

HRS.

100

10

4.0

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\$ 150.00

PER HR.

\$

TOTAL

1

\$ 240.00.

TOTAL

\$ 307.50

97

5

49

\$57.50. due

(ZBA DISK#7-012192.FEE)

NEW WINDSOR ZONING BOARD OF APPEALS

59-2-1

Ap.

In the Matter of the Application of
JOSEPH MECCA/QUALITY HOME BUILDERS,

DECISION GRANTING
AREA VARIANCE

#92-47.

WHEREAS, JOSEPH MECCA, R. D. #4, Lakeside Drive, Beaver Dam Lake, New Windsor, New York 12553, (owner), and QUALITY HOME BUILDERS, INC., a corporation having its principal place of business at (P. O. Box 10), Washingtonville, N.Y. 10992, have made application before the Zoning Board of Appeals for a 8,415 s.f. lot area variance to construct a single-family dwelling on a vacant lot located on Hillcrest Drive in an R-4 zone; and

WHEREAS, a public hearing was held on the 25th day of January, 1993 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant Rick Tedaldi appeared at the hearing and spoke in support of the application on behalf of applicant, QUALITY, who is in contract to purchase the parcel from owner MECCA subject to obtaining a lot area variance. Mr. Mecca also appeared at the hearing and spoke in support of the application; and

WHEREAS, there were three (3) spectators appearing at the public hearing who either were not opposed to the application or took no position for or against the application; to wit, CHRIS CONLEY, who owns the immediately adjacent lot was not opposed but inquired about the well location in relation to his existing shallow well which is about 12 ft. from the property line; ERWIN SHELHAMMER, who asked some questions for information but who had no comment pro or con on the application; and MR. DEYO who had a question about whether the area variance requested was substantial but who took no position on this application; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to vary the provisions of the bulk regulations relating to lot area in order to construct a single-family dwelling on a vacant lot located in an R-4 zone.

3. The evidence presented by the applicant substantiated the fact that a variance for less than the allowable lot area

would be required in order to construct a single-family dwelling on the applicant's vacant lot which otherwise would conform to the bulk regulations in the R-4 zone.

4. The evidence presented by the applicant indicated that the present boundaries of the subject lot, as it appears on the current tax map, apparently were reconfigured from an earlier subdivision map. Apparently these reconfigured lot dimensions still met the then-applicable bulk requirements of the Zoning Local Law in order to be a buildable lot. A subsequent amendment of the bulk regulations in the Zoning Local Law increased the minimum lot area and made this lot nonconforming. Since the applicant did not apply for a building permit to build on this lot within three (3) years from the date of the amendment of the Zoning Local Law of the Town of New Windsor, this lot is no longer "grandfathered" under the provisions of Section 48-26C thereof. Consequently, the instant application for an area variance is the appropriate method for this applicant to obtain relief for the substandard lot area of his vacant lot.

5. The evidence presented by the applicant further indicated that the lot is not contiguous to any adjacent lots in the same ownership.

6. The evidence also showed that this is the only vacant lot in the immediate area.

7. The evidence presented at the public hearing further showed that the subject lot has an area which roughly conforms to the lot area of the nearby lots. Some lots in the neighborhood are smaller in area than the subject and others are somewhat larger, but the variation in lot sizes is not dramatic.

8. It is the finding of this Board that the requested area variance, if granted, will not blight the proper and orderly development and general welfare of the community since most of the lots in the neighborhood are of a roughly similar size and all are improved with residential dwellings.

9. The evidence presented by applicant substantiated the fact that the variance, if granted, would not have a negative impact on the physical or environmental conditions in the neighborhood since the lot area of the subject lot will not be substantially different from that of existing, already developed, lots in the neighborhood and the proposed structure will fit in well with the other residential dwellings adjacent thereto.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variance will not produce an undersirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

3. The requested variance is substantial in relation to the bulk regulations for lot area. However, it is the conclusion of this Board that the granting of the requested substantial variance is warranted here because the lot, with its present lot area, pre-existed the amendment of the Zoning Local Law of the Town of New Windsor which caused the subject lot to be undersize and nonconforming, the lot ~~took~~^{lost} its "grandfathered" pre-existing, non-conforming lot status solely due to the passage of time, and the lot area of the subject lot is not substantially different than many of the neighboring lots which have been improved with residential dwellings already. Consequently, it is the conclusion of this Board that construction of a single-family dwelling on the subject lot would be the most suitable use for this undersize lot and that this has minimal adverse impacts upon the neighborhood and the applicant.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the applicant faces in conforming to the bulk regulations is a self-created one since the applicant failed to apply for a building permit within three years from the amendment of the Zoning Local Law of the Town of New Windsor which caused this lot to be nonconforming. The applicant is now in the process of correcting this situation by the appropriate application to this Board.

6. It is the finding of this Board that the benefit to the applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that the requested lot area variance is the minimum variance necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested lot area variance.

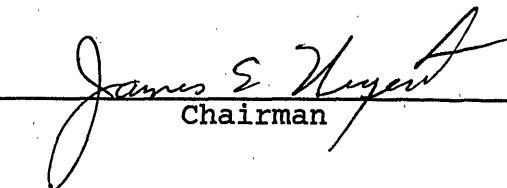
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 8,415 s.f. lot area variance to construct a single-family dwelling on the applicant's vacant lot located on Hillcrest Drive in an R-4 zone as sought by applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: March 8, 1993.


Chairman

(ZBA DISK#8A-021993.QH)

1/25/93 Public Hearing: Quality Home Bldrs./ Mecca

Name:
Allen Oeyo

Address:
Rt 4 Box 937 New Windsor NY

C. Conley
C. Wilhelm

6 Hillcrest Dr.
167 Lake Rd.

Salisbury Mills, NY
NY



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

(914) 563-4630

Date: March 9, 1993.
FAX: 914-563-4693

RE: ZONING BOARD OF APPEALS - APPLICATION # 92-47

Dear ZBA Applicant:

After computation of the consulting fees that were posted with your application before the Zoning Board of Appeals, the Board found that there are additional fees due and owing in the amount of \$ 57.50. (A copy of the computation list is attached).

In order to obtain a copy of your formal decision, this amount will have to be paid immediately.

Please forward a check in the above amount and I will be happy to furnish an executed copy of the formal decision.

Very truly yours,

PATRICIA A. BARNHART, Secretary
Zoning Board of Appeals

/pab

Attachment

(ZBA DISK#7-031292.FEE)

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Quality Home Bldrs.

FILE # 92-47

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE \$ 50.00 paid
* * * * * CK # 1655 1/6/93

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 250.00 paid 1/6/93
CK. 1656

DISBURSEMENTS -

STENOGRAPHER CHARGES:

PRELIMINARY MEETING - PER PAGE 12/4/92 - 7 pages \$ 31.50
2ND PRELIM. MEETING - PER PAGE \$ _____
3RD PRELIM. MEETING - PER PAGE \$ _____
PUBLIC HEARING - PER PAGE 1/25/93 - 8 pages \$ 36.00
PUBLIC HEARING (CONT'D) PER PAGE \$ _____
TOTAL \$ 67.50

ATTORNEY'S FEES:

PRELIM. MEETING-	<u>.1</u>	HRS.	\$	_____
2ND PRELIM.	_____	HRS.	\$	_____
3RD PRELIM.	_____	HRS.	\$	_____
PUBLIC HEARING	<u>.3</u>	HRS.	\$	_____
PUBLIC HEARING	<u>.1</u>	HRS. (CONT'D)	\$	_____
FORMAL DECISION	<u>1.2</u>	HRS.	\$	_____

TOTAL HRS. 1.6 @ \$ 150.- PER HR. \$ _____
TOTAL \$ 240.00

MISC. CHARGES:

TOTAL \$ 307.50

LESS ESCROW DEPOSIT \$ _____
(ADDL. CHARGES DUE) \$ 57.50 due
REFUND TO APPLICANT DUE \$ _____



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

(914) 563-4630

Date: March 9, 1993
FAX: 914-563-4693

RE: ZONING BOARD OF APPEALS - APPLICATION # 92-47

Dear ZBA Applicant:

After computation of the consulting fees that were posted with your application before the Zoning Board of Appeals, the Board found that there are additional fees due and owing in the amount of \$ 57.50. (A copy of the computation list is attached).

In order to obtain a copy of your formal decision, this amount will have to be paid immediately.

Please forward a check in the above amount and I will be happy to furnish an executed copy of the formal decision.

Very truly yours,

PATRICIA A. BARNHART, Secretary
Zoning Board of Appeals

*paid
ck # 1754
3/24/93*



/pab

Attachment

(ZBA DISK#7-031292.FEE)

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 47

Request of Quality Home Builders / J. Mecca
for a VARIANCE of

the regulations of the Zoning Local Law to

permit construction of single-family
dwelling w/ insufficient lot area;

being a VARIANCE of

Section 48-12-Table of Use Bulk Regs.-Col. C.

for property situated as follows:

Hillcrest Rd., New Windsor, N.Y. 12553

known & designated as tax map

Section 59- Blk. 2- Lot 1.

SAID HEARING will take place on the 25th day of
January, 1992, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

Richard Fenwick
Chairman

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

In the Matter of Application for Variance of

Quality Homes, Inc. / Mecca.
Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

#92-47.

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On Jan. 6, 1993, I compared the 35 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
6th day of January, 1993.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1993

(TA DOCDISK#7-030586.AOS)

1/25/93, 19.....

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Frances Roth 359 Moores Hill Rd DR.
New Windsor, NY 12553

DATE		CLAIMED	ALLOWED
1/25/93	Zoning Board Meeting	75	00
	Misc 2		
	Merin - 1 - \$4.50		
	Quality Home - 8 - \$36.00		
	11 pages	49	50
		124	50

January 25, 1993

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QUALITY HOME BUILDERS/MECCA

Public Hearing

MR. NUGENT: Second public hearing Quality Home Builders/Mecca request for 8,415 square foot lot area to construct single family residential dwelling on Hillcrest Road in an R-4 zone.

Mr. Tedaldi appeared before the board representing this proposal.

MR. TEDALDI: As you know, we're seeking a variance on that lot off Hillcrest Drive between Hillcrest and Lake Road. It's an undersized lot but it fits within the side dimensions. Everything else fits in the zoning.

MR. LUCIA: I think the board at the last meeting inquired about who owned lots 2 and lot 3.3, the one that is further removed. Did you investigate?

MR. TEDALDI: No.

MR. LUCIA: Thank you for dropping off a copy of Mr. Mecca's deed. I see there's reference to certain covenants, restrictions, easements and agreements of record which effect the title to the property, they are only partly spelled out. Is there anything to your knowledge within the title to this property which would prevent you from maintaining a dwelling on this property if this board grants you the variance you are seeking?

MR. TEDALDI: No.

MR. LUCIA: And did you obtain a title policy on this or were you able to get Mr. Mecca's title policy?

MR. TEDALDI: You have to talk to him.

MR. LUCIA: Can you check that? At the preliminary hearing, we asked you to bring in a copy of the existing, we didn't require you to get a new one but I assume in your records you may have one.

BY THE APPLICANT: We were never informed of that.

January 25, 1993

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MR. LUCIA: Since Mr. Mecca is here let me ask you on the record. Do you know of anything affecting the title to this property which would prevent you from maintaining a dwelling on this lot should the board grant you the variance you are seeking?

MR. MECCA: No.

MR. LUCIA: Thank you. Maybe you can check with Mr. Mecca on the ownership of the neighboring lots that you own.

MR. CONLEY: I'm the lot right next door to the empty lot, the one you're talking about.

MR. LUCIA: Is that lot number 2?

MR. CONLEY: Yes, I'm lot number--

MR. TEDALDI: Do you know who owns 3.3?

MR. CONLEY: His name is Thomas Lark.

MR. LUCIA: Neither of you are related to Mr. Mecca?

MR. CONLEY: No.

MR. TORLEY: The only variance we needed was the square footage, it's going to meet the setbacks, et cetera?

MR. LUCIA: It appears.

MR. BABCOCK: 22 is Conley and 3.3 is Ferguson.

MR. CONLEY: Ferguson moved, it's Lark.

MR. BABCOCK: We're saying if it's in the same ownership.

MR. TORLEY: As I look at the map, it appears this lot would have three front yards.

MR. BABCOCK: Yes.

MR. TORLEY: He is going to meet all the setback

January 25, 1993

5

requirements for that?

MR. BABCOCK: Yes. There's a plot plan that has been sketched in.

MR. TORLEY: So the only difficulty is just the lot area?

MR. BABCOCK: Lot area, yes.

MR. TORLEY: And the lot as described is essentially the same you size as the neighboring lots?

MR. BABCOCK: Some bigger, actually.

MR. NUGENT: What's the dotted line referring to?

MR. LUCIA: I think maybe the filed map was different than the current tax lot boundaries and apparently they filed a further subdivision map on that.

MR. BABCOCK: It's 13,375 square feet.

MR. NUGENT: Has sewer and water?

MR. BABCOCK: Sewer, no water. If it had sewer and water, it wouldn't be here.

MR. TORLEY: All these roads do in fact exist?

MR. BABCOCK: Yes.

MR. LUCIA: If this board should grant you a variance, do you feel that an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the area variance.

MR. TEDALDI: No, not at all.

MR. LUCIA: Is the benefit which you seek from this board achievable by some method other than a variance?

MR. TEDALDI: No.

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MR. LUCIA: Is the requested area variance substantial that is in terms of numbers?

MR. TEDALDI: Nope, you guys are determining that.

MR. LUCIA: You are applying for an 8,415 square foot lot area variance and the requirement is?

MR. NUGENT: 23 and change.

MR. LUCIA: 21,790, so you are looking for a variance of not quite a third so that maybe is getting substantial but you say this lot is larger than many of the neighboring lots.

MR. TEDALDI: Yeah, this lot goes way back. I guess some years ago, residents were told that if they wanted to build on the lot, they'd have to get a building permit within two years. That wasn't done so that expired.

MR. LUCIA: Most of the neighboring lots have already been built on?

MR. TEDALDI: Yes.

MR. LUCIA: Do you feel that the proposed variance will have an adverse effect or impact on physical or environmental characteristics of the neighborhood?

MR. TEDALDI: No.

MR. LUCIA: Was this difficulty self-created? Did you or Mr. Mecca create the lot size we're now dealing with?

MR. TEDALDI: No.

MR. LUCIA: Thank you. Hang on in case the board has any further questions.

MR. NUGENT: Any other questions from our board? You folks have any other questions? If not, I'll open it up to the public.

MR. NUGENT: I'm going to open this up to the public. Please try to not to be repetitious. Anybody like to speak?

MR. CONLEY: I would. I'd like to know how far back--

MR. BABCOCK: State your name and address just for the record.

MR. CONLEY: Chris Conley, 6 Hillcrest Drive.

MR. LUCIA: You are the lot immediately next door?

MR. CONLEY: Right next door. I'd like to know how far back the house is going to be from the property line and also my well, I have a shallow well and it's approximately 12 feet from that property line so I am wondering if you know there'd be some kind of distance between my well and the next well?

MR. BABCOCK: Right now he's proposing the house to be 22 feet from your property line. The requirement in that area is only 15 feet. If he'd like to move the house 15 feet from your property line, he could do that and meet the zoning requirements. He's proposing at 42 because basically that is his rear yard because he has no other yards other than that.

MR. CONLEY: What about the well, would I have any say in, I mean see I don't know how this works. I have a shallow well. If he puts a deep well in, would there be a chance I might lose my well?

MR. LUCIA: That is something that is almost impossible to predict even for well drillers and people who deal with this every day. He has to meet the Town sanitary requirements on placement of the well. But this board really doesn't have the power to grant or rather to impose anymore stringent requirements. As long as you can meet the minimal and if he is meeting the minimal setbacks or exceeding them at this point, I'm not sure the board has any say in it. The sole issue before this board is the insufficient lot area but if within that area he can place the well to meet

required sanitary standards, I'm not sure that we can impose anymore stringent absent clear proof that the well clearly would be affected. And that is really difficult to get in advance.

MR. SCHELHAMMER: Is there a regulation as to how far the well has to be from the property line?

MR. BABCOCK: 15 feet.

MR. SCHELHAMMER: And yours is how far from the property line?

MR. CONLEY: It's 12 to 15.

MR. LUCIA: Do you have a comment pro or con on this application?

MR. SCHELHAMMER: Not really. I'm interested, he's my friend and neighbor.

MR. NUGENT: Anyone else like to speak?

MR. DEYO: Is 30 percent lack of building space a normal request, normal grantable request that does seem to be a rather large portion?

MR. NUGENT: We've had them larger. It's not normal, no, in that area.

MR. DEYO: It's not been that long since they changed the zoning from quarter to half acre and they did that for a reason, I would imagine.

MR. BABCOCK: When they changed the zoning from quarter to half acre, that effects any new lot that is created. Any existing lot is grandfathered. As long as you get a building permit within 3 years of that time limit if they came in from three years 1986, they could have had a building permit.

MR. LUCIA: Do you have a position on it?

MR. DEYO: I haven't made a position.

January 25, 1993

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MR. LUCIA: I'm not sure if we got a pro or con?

MR. CONLEY: I'm not against it, just the well space. How about the direction of the house? Where is the front of the house facing?

MR. NUGENT: I have a map out, I'm not sure if you can see. I'm not sure where is the back?

MR. BABCOCK: Right now they want to front the house on Hillcrest.

MR. NUGENT: Anyone else?

MR. SCHELHEIMER: Can I ask what kind of house is planned?

MR. NUGENT: 48 by 26. I don't know what kind.

MR. BABCOCK: Basically, it's a bi-level.

MR. NUGENT: Anyone else like to speak on this? If not, I'm going to close the public hearing and open it back up to our board. Do you have any further questions?

MR. TORLEY: It's certainly not going to effect the neighborhood by being an overly small lot compared to what's around it.

MR. NUGENT: I think he's taken everything into consideration as far as placement of the house.

MR. TANNER: Would you like a motion?

MR. NUGENT: If there's no more comments.

MR. TANNER: I make a motion that we grant the variance.

MR. HOGAN: I'll second it.

ROLL CALL

MR. TANNER AYE

January 25, 1993

10

MR. LANGANKE	AYE
MR. HOGAN	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. TORLEY: You can't get your building permit tomorrow because we have to have the formal decision.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

35

December 30, 1992

Rick Tedaldi
Quality Builders
Box 10
Washingtonville, NY 10992

Re: Tax Map Parcel: 59-2-1
Owner: Mecca, Joseph G. & Marion E.

Dear Mr. Tedaldi:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$55.00, minus your deposit of \$25.00. Please remit the balance of \$30.00 to the Town Clerk's office.

Sincerely,

Leslie Cook (cc)

Leslie Cook
SOLE ASSESSOR

LC/cad
Attachments
cc: Pat Barnhart

State of New York
Office of Mental Retardation & Dev.
Letchworth Div.
Office of Comptroller
Gov. A. Smith Building
Albany, NY 12236

Osmer, Josephine & Guy R.
16 Hillcrest Drive
Salisbury Mills, NY 12577

Adams, William P.
14 Hillcrest Drive
Salisbury Mills, NY 12577

Obermeier, Margarete F.; Executrix
12 Hillcrest Drive
Salisbury Mills, NY 12577

Conley, Christopher J. &
Lauretta, Ellen
6 Hillcrest Drive
Salisbury Mills, NY 12577

The County of Orange
F/B/O Beaver Dam Lake
Protection & Rehabilitation District
265 Main St.
Goshen, NY 10924

Schelhammer, Erwin O. & Erna
167 Lake Rd.
Salisbury Mills, NY 12577

Larke, Thomas A. & Patricia A.
171 Lake Rd.
Salisbury Mills, NY 12577

Dale, Barbara
5 Hillcrest Dr.
Salisbury Mills, NY 12577

Witt, Robert E.
7 Hillcrest Dr.
Salisbury Mills, NY 12577

Pearson, John & Elsie
9 Hillcrest Dr.
Salisbury Mills, NY 12577

Conley, Albert N. & Marv Jane
13 Hillcrest Dr.
Salisbury Mills, NY 12577

Capone, Joseph R. & Annette M.
15 Hillcrest Dr.
Salisbury Mills, NY 12577

Kitchen, Paul M. & Alida J.
17 Hillcrest Dr.
Salisbury Mills, NY 12577

DiMaggio, Dominick P. & Dorothy
21 Hillcrest Dr.
Salisbury Mills, NY 12577

Hagerth, Rita F.
PO Box 151
Salisbury Mills, NY 12577

Walters, William A. & Janet L.
50 Valley View Dr.
Salisbury Mills, NY 12577

Cooper, Jacqueline
48 Valley View Dr.
Salisbury Mills, NY 12577

Madden, James A. Jr. & Marguerite O.
118 Windsor Terrace
Salisbury Mills, NY 12577

Mary O'Brien Trust
111 Briny Ave., Apt. 2614
Pompano Beach, FL 33062

Hirsch, Mayer
6 Hayes Ct.
Monroe, NY 10590

Risolio, Vincent & Josephine
PO Box 353
Salisbury Mills, NY 12577

Filippini, Raymond & Annette Risolio
PO Box 187
Salisbury Mills, NY 12577

Cirello, Joseph J. & Christine D.
61 Lake Rd.
Salisbury Mills, NY 12577

Marcus, William E. & Rory T.
178 Lake Rd.
Salisbury Mills, NY 12577

Winks, Fred H. & Josephine B.
434 78th St.
Brooklyn, NY 11209

Rashford, James A. III & Robin J.
Box 452 RD4 Beaver Brook Rd.
New Windsor, NY 12553

Donker, Christine & Richard Jaskiewicz
RD4 Box 453 Beaver Brook Rd.
New Windsor, NY 12553

Kalberer, Roderick W. & Valerie J.
168 Lake Rd.
Salisbury Mills, NY 12577

County of Orange
255-275 Main St.
Goshen, NY 10924

Kaiser, Steven & Debra
PO Box 87
Salisbury Mills, NY 12577

Bar, Alexander A. & Natalie
PO Box 239
Cornwall, NY 12518

Strohl, Albert & Linda
PO Box 195
Salisbury Mills, NY 12577

Castellane, William W. & Maria D.
PO Box 465
Salisbury Mills, NY 12577

Snipel Corp.
27 Waring Rd.
Newburgh, NY 12550

Date11/18/93....., 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TOFrances Roth 369 Moores Hill..... DR.
.....New Windsor NY 12553.....

DATE			CLAIMED	ALLOWED
12/4/92	Zoning Board Meeting		75.00	
	Misc - 2			
	Quality Homes - 7 - 31.50.			
	Slifstein - 11 - 49.50			
	Bittles - 4 - 18.00.			
	Carlough - 3 - 13.50			
	Ledwith - 5 - 22.50.			
	Walsh - 4 - 18.00			
	Moran - 31 - 139.50.		301.50	
	67			
			376.50	

PRELIMINARY MEETING: QUALITY HOMES, INC./MECCA

Mr. Rick Tedaldi appeared before the Board representing this proposal.

MR. FENWICK: This is a request for 8,405 square foot lot area variance to construct single-family dwelling on Hillcrest Drive in an R-4 zone.

Would you tell us why you're here and what you plan on doing and why you were refused, what you wanted to do.

MR. TEDALDI: We were refused because the lot was undersized and I understand the lots go back the long ways just wanted to know if there'd be any trouble us putting the house. I have the plans, it's within all the sidelines required.

MR. FENWICK: This is Beaver Dam area?

MR. TEDALDI: Yes, on Hillcrest Drive, lot 1.

MR. NUGENT: How big is the lot?

MR. TEDALDI: 13,375, I believe.

MR. NUGENT: And you only have what, sewer?

MR. TEDALDI: Yeah, sewer.

MR. FENWICK: No water?

MR. TEDALDI: No water.

MR. FENWICK: Anybody else in this area have water?

MR. BABCOCK: No.

MR. TORLEY: Are there houses on all the adjacent properties?

MR. BABCOCK: Yes, there's only one empty lot. If you gentlemen remember, right up the street from this lot if you're looking at the tax map by the New York State home there was a lot.

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MRS. BARNHART: Briody.

MR. FENWICK: Why do we have this subdivision of a subdivision? Do you have the tax map there? I don't quite understand what is going on here, which subdivision are we looking at? We have dotted lines over top of solid lines.

MR. BABCOCK: Dotted are what used to be, solid lines are what is there now.

MR. FENWICK: How long has that been existence, that subdivision the way it is as we are looking at the solid lines?

MR. TEDALDI: I don't know.

MR. FENWICK: Who owns the property now?

MR. TEDALDI: It's Mecca.

MR. TORLEY: Is he one of the adjacent property owners.

MR. BARNHART: Joseph Mecca.

MR. TEDALDI: Yes.

MR. FENWICK: Is he a builder?

MR. TEDALDI: I don't know.

MR. TORLEY: For example, is lot 2 also owned by Mr. Mecca?

MR. TEDALDI: I don't know if Mecca owns the other property, just the one across is the one we are trying to purchase.

MR. FENWICK: Are you in contract to purchase this?

MR. TEDALDI: If we get a variance.

MR. LUCIA: I note in looking at the zoning table column C for minimum lot areas required is 21,790. I think the notice of denial is 21,780 so the variance request actually I think is for an additional 10 feet so it really should be 88,415 square feet is the variance request.

MR. BABCOCK: That, I think, is a misprint but since it's there --

MRS. BARNHART: Could you change that, Michael, or amend it, please?

MR. BABCOCK: Yes.

MR. FENWICK: Who do you represent, you represent Quality Home?

MR. TEDALDI: Yes. This property goes way back, I was just wondering if this would be subject to any type grandfathering clause, if there's something affecting that.

MR. FENWICK: I'll let the attorney explain it to you but the time ran out on it, substandard lot you have a certain period of time to do that.

MR. LUCIA: Unless you can show that the change in what was the dotted original lot lines is within the last three years and can bring in historical title evidence to demonstrate it, I think your recourse is to apply for a variance at this point. Should you do some research or have your attorney do some research and he finds otherwise come back to us and explain to us the Board would be happy to consider it. But, you need to meet the time requirements and you need to come in with the necessary proof.

MR. TEDALDI: If I didn't get a variance, just come back to another meeting.

MR. LUCIA: You have to submit some paper work and I'll tell you what the requirements are and the Board also has to vote to set you up for a public hearing.

MR. TORLEY: The other question I have is find out owns the lot #2, if it's common ownership of these two substandard lots, I think we have other rules that apply there.

MR. TEDALDI: I'll find out that.

MR. FENWICK: And are there houses on lot 2 and lot 3.3?

MR. BABCOCK: Yes.

MR. NUGENT: Same size lots?

MR. FENWICK: They look like possibly they are 125 wide and 126.5 on the last one but it's a triangular-shaped lot so with the lots across the street they are 100 foot wide, I think we'd be looking for some kind of history on the neighborhood on the size of the lots adjacent and across the street.

MR. TORLEY: I have forgotten the code on the adjacent property, does that include adjacent substandard lots, common ownership, does that include lots across the street, or physically joined?

MR. FENWICK: Physically joined, looks like they are all across the street, looks like 12,000 going to be 13, I guess it's 12,000 across the street that makes it smaller than this one. It's 13 along the side of it. We are going to have you present the arguments, looks like it's the character of the neighborhood, you have got that over there.

MR. TORLEY: Number 6 is 17,810.

MR. FENWICK: That is a bigger lot. Most of them are 100 foot wide, that's the only one that is wider than 100 foot along side of it is 100 going in the other direction. This is a well developed area then there are houses on all those lots, this is like the last lot left.

MR. BABCOCK: With the exception of the other lot, I don't know of any other lots in the area.

MR. FENWICK: You are going to need some kind of a written affidavit or whatever from the owner of the property that it's all right for you to represent him because the problem is with the owner, not with the buyer, that he has a problem. Do you know how long this lot has been on the market?

MR. TEDALDI: No, I'll contact the owner, I don't know if it's been on the market or not.

MR. TORLEY: Applicant is going to be able to put a lot

of this size.

MR. BABCOCK: We went through that, make sure we go through that so if he's here for one, he gets all he needs.

MR. FENWICK: If he puts the house right in the middle, he'll be in good shape except he's not going to get a deck.

MR. BABCOCK: 6 foot 1.

MR. FENWICK: On the 46 foot side that we're looking at here, isn't that still a front yard?

MR. BABCOCK: Not 46 would be a rear, the way the corner lot works is all lots that front on the road is a corner and any lots that are left one must be determined a rear yard so the 46 would be a rear.

MR. FENWICK: I'm talking about the other side, the 46 foot you can put an 11 foot deck out there still be 35 feet.

MR. LUCIA: It's a front yard.

MR. BABCOCK: In a front yard, you can't have your deck, it's a certain distance still.

MR. FENWICK: You can't have the deck out the front.

MR. BABCOCK: You can have a front yard deck but if you project into the front yard requirement it's restricted.

MR. FENWICK: Front yard requirement is 35 so he has 11 foot, he's better off that not being a rear yard. Any other questions from Members of the Board?

MR. NUGENT: I'll make that motion to set him up for a public hearing.

MR. TANNER: I'll second it.

ROLL CALL:

Mr. Torley	Aye
Mr. Konkol	Aye

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Mr. Tanner	Aye
Mr. Nugent	Aye
Mr. Fenwick	Aye

MR. FENWICK: I'm going to turn it over, the evidence you're going to have to bring us back the next time to the attorney, this is very important, we are also going to want to have photographs.

MR. LUCIA: When you come back first of all, we need a written letter from the owner of the property authorizing you to make the variance application. You need photographs of the property. You need copy of the owners deed and title policy.

MR. TEDALDI: I have that with me.

MR. LUCIA: We don't need to see that at this point. Just resubmit. Also, when you come back, the Board has certain legal requirements in order to grant you the area variance you're seeking. And the standard the Board has to consider the detriment to the health, safety and welfare of the neighborhood and the community as opposed to the benefit sought if the variance is granted.

In considering that, there are five specific issues that you have to speak to. First is whether a undesirable change will be produced in the character of the neighborhood or detriment will be produced to nearby properties.

Second, whether the benefits sought by you can be achieved by some other method feasible for you to pursue other than a variance.

Number 3, whether requested variance is substantial and Number 4, whether it will an adverse effect on physical or environmental issues in the neighborhood and Number 5, whether the difficulty you're seeking relief from is self-created. Since you're a contract purchaser, that doesn't apply to you.

MR. TEDALDI: Can I have a list of all that?

MR. LUCIA: If you give Pat a call, this application packet has instructions on the top here self-

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explanatory. Fill it out and when you're ready return it to Pat, we can set you up for a public hearing. You also have to submit two checks both payable to the Town of New Windsor, one for \$50 application and \$250 against town consultant fees and various disbursements the Board has. Any questions, give Pat a call.

MR. TEDALDI: Thank you.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

92-47.

Date: 1/4/93

I. ✓ Applicant Information:

- (a) Rick Tedaldi PoBx 10 Washington NY 10992 496-4141
(Name, address and phone of Applicant) (owner) 496-4141
- (b) Quality Home Builders PoBx 10 Washington NY
(Name, address and phone of purchaser or lessee)
- (c) Alvin Goldstein Rte 94 Chester 10916 469-2020
(Name, address and phone of attorney)
- (d) Quality Home Builders
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) R4 Hillcrest drive, New Windsor 59-2-1 125x107
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? none
- (c) Is a pending sale or lease subject to ZBA approval of this application? yes
- (d) When was property purchased by present owner? Part of estate
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? No.
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? unk.
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: No

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____

(b) ^{N/A} The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. ✓ Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 59, Table of 2 Regs., Col. 1.

Requirements	Proposed or Available	Variance Request
Min. Lot Area <u>21,780</u>	<u>13,375</u>	<u>8,405</u>
Min. Lot Width		
Reqd. Front Yd. <u>35</u>	<u>35</u>	
Reqd. Side Yd. <u>40</u>	<u>40'</u>	
Reqd. Rear Yd. <u>40'</u>	<u>40'</u>	
Reqd. Street Frontage*		
Max. Bldg. Hgt. <u>35'</u>	<u>20'</u>	
Min. Floor Area* <u>1,200 sqft</u>	<u>1,200</u>	
Dev. Coverage* <u>10</u> %	<u>10</u> %	
Floor Area Ratio**		
Parking Area		

* Residential Districts only

** No-residential districts only

(b) The legal standard for an "area" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you may have made to alleviate the difficulty other than this application.

The lot in question is a pre-existing lot with no contiguous land ownership. If a variance is not granted, the sale of the land cannot be made and the lot in question will remain vacant.

VI. Sign Variance: ^{N/A}

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____

(b) ^{N/A} Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) ^{N/A} What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. ^{N/A}

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

The dwelling is a 48'x26' bi-level constructed with spruce and fir lumber with vinyl siding and Andersen windows. The house will fit in well with the rest of the homes and we will completely abide with New Windsor ZONING.

IX. ✓ Attachments required:

- ✓ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ✓✓ Copy of tax map showing adjacent properties.
- ^{N/A} Copy of contract of sale, lease or franchise agreement.
- ✓ Copy of deed and title policy.
- ✓ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ^{N/A} Copy(ies) of sign(s) with dimensions and location.
- Two (2) checks, one in the amount of \$ 50.⁰⁰ and the second check in the amount of \$ 250.⁰⁰, each payable to the TOWN OF NEW WINDSOR.
- ✓ Photographs of existing premises from several angles.

Date: 1/4/93

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

X Ruth C. [Signature]
(Applicant)

4th day of January, 1993.
Sabrina C. Barnhart.
 XI. ZBA Action:

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1993

(a) Public Hearing date: _____

(b) Variance: Granted () Denied ()

(c) Restrictions or conditions:

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

#92-47.

Prelim. meeting
Dec. 14, 1992. -
7:30 p.m.

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

Rick

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: DECEMBER 1, 1992

APPLICANT: J. MECCA/QUALITY HOMES(Owner).
P.O. BOX 10
WASHINGTONVILLE, NEW YORK

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: NOVEMBER 24, 1992

FOR (BUILDING PERMIT): ONE FAMILY FRAME DWELLING

LOCATED AT: HILLCREST DRIVE, BEAVER DAM LAKE

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION 59 BLOCK 2 LOT 1

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. VACANT LAND - LOT SIZE INSUFFICIENT
- 2.
- 3.
- 4.
- 5.


BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-4	USE	12-14-92 Michael Butler
MIN. LOT AREA	21,790 21,780	8,415 8,405
	13,375'	

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IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. VACANT LAND - LOT SIZE INSUFFICIENT
- 2.
- 3.
- 4.
- 5.


BUILDING INSPECTOR

REQUIREMENTS		PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-4	USE	REVISED	12-14-92 <i>Tina B. Butek</i>
MIN. LOT AREA	21,790 21,780	13,375'	8,415 8,405
MIN. LOT WIDTH			
REQ'D FRONT YD			
REQ'D SIDE YD			
REQ'D TOTAL SIDE YD			
REQ'D REAR YD.			
REQ'D FRONTAGE			
MAX. BLDG. HT.			
FLOOR AREA RATIO			
MIN. LIVABLE AREA			
DEV. COVERAGE			

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

IMPORTANT

Quality Homes

REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW **MUST** BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS - 565-8807

- 1-WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
- 2-FOUNDATION INSPECTION - CHECK HERE FOR WATERPROOFING AND FOOTING DRAINS.
- 3-INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
- 4-WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
- 5-INSULATION.
- 6-PLUMBING FINAL & FINAL. HAVE ON HAND ELECTRICAL INSPECTION DATA PER THE BOARD OF FIRE UNDERWRITERS, AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETE AT THIS TIME.
- 7-DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR.
- 8-\$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE SAME INSPECTION TWICE.
- 9-PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
- 10-THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
- 11-SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
- 12-SPETIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
- 13-ROAD OPENING PERMITS MUST BE OBTAINED FROM TOWN CLERK'S OFFICE.

Name of Owner of Premises J. Mecca

Address Beaulieu Dam, New Windsor, NY Phone 496-1111

Name of Architect Paul Cuomo

Address New Windsor, NY Phone 565-8807

Name of Contractor Quality Homes

Address P.O. Box 10, Washingtonville, NY Phone 496-4141

State whether applicant is owner, lessee, agent, architect, engineer or builder. Builder

If applicant is a corporation, signature of duly authorized officer.

[Signature]
(Name and title of corporate officer)

1. On what street is property located? On the Hillcrest Drive side of (N. S. E. or W.)

and feet from the intersection of

2. Zone or use district in which premises are situated

WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS - 565-8807

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Name of Architect Paul Cuomo

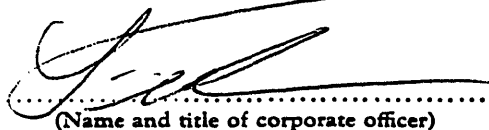
Address NEW WINDSOR, N.Y. Phone 565-8807

Name of Contractor Quality Homes

Address P.O. Box 10, Washingtonville, NY Phone 496-4141

State whether applicant is owner, lessee, agent, architect, engineer or builder Builder

If applicant is a corporation, signature of duly authorized officer.


(Name and title of corporate officer)

1. On what street is property located? On the Hillcrest Drive side of Hillcrest Drive
(N. S. E. or W.)

andfeet from the intersection of.....

2. Zone or use district in which premises are situated

3. Tax Map description of property: Section 59 Block 2 Lot 1

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction:

a. Existing use and occupancy VACANT LAND b. Intended use and occupancy RESIDENTIAL

5. Nature of work (check which applicable): New Building ☒ Addition..... Alteration..... Repair..... Removal.....

Demolition..... Other.....

6. Size of lot: Front 125' Rear 125' Depth 107' Front Yard..... Rear Yard..... Side Yard.....

Is this a corner lot? YES

7. Dimensions of entire new construction: Front 48' Rear 48' Depth..... Height..... Number of stories 1 1/2

8. If dwelling, number of dwelling units 1 Number of dwelling units on each floor.....

Number of bedrooms 3 Baths 2 Toilets 3

Heating Plant: Gas..... Oil ☒ Electric...../Hot Air..... Hot Water.....

If Garage, number of cars 2

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use.....

10. Estimated cost 60 M Fee.....
(to be paid on filing this application)

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer —

Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

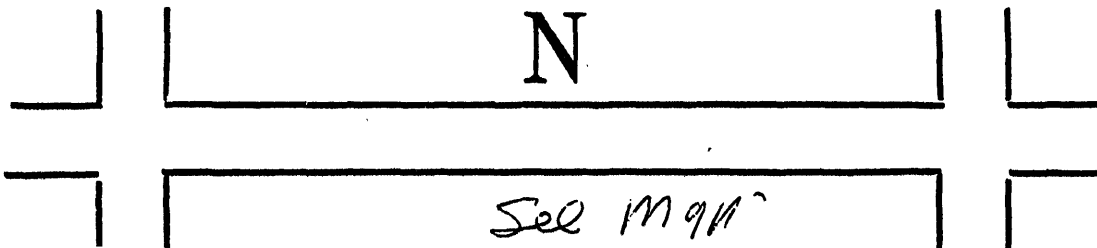
.....
(Signature of Applicant)

Bx 10 Warkville.....
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Refer -
Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT
Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

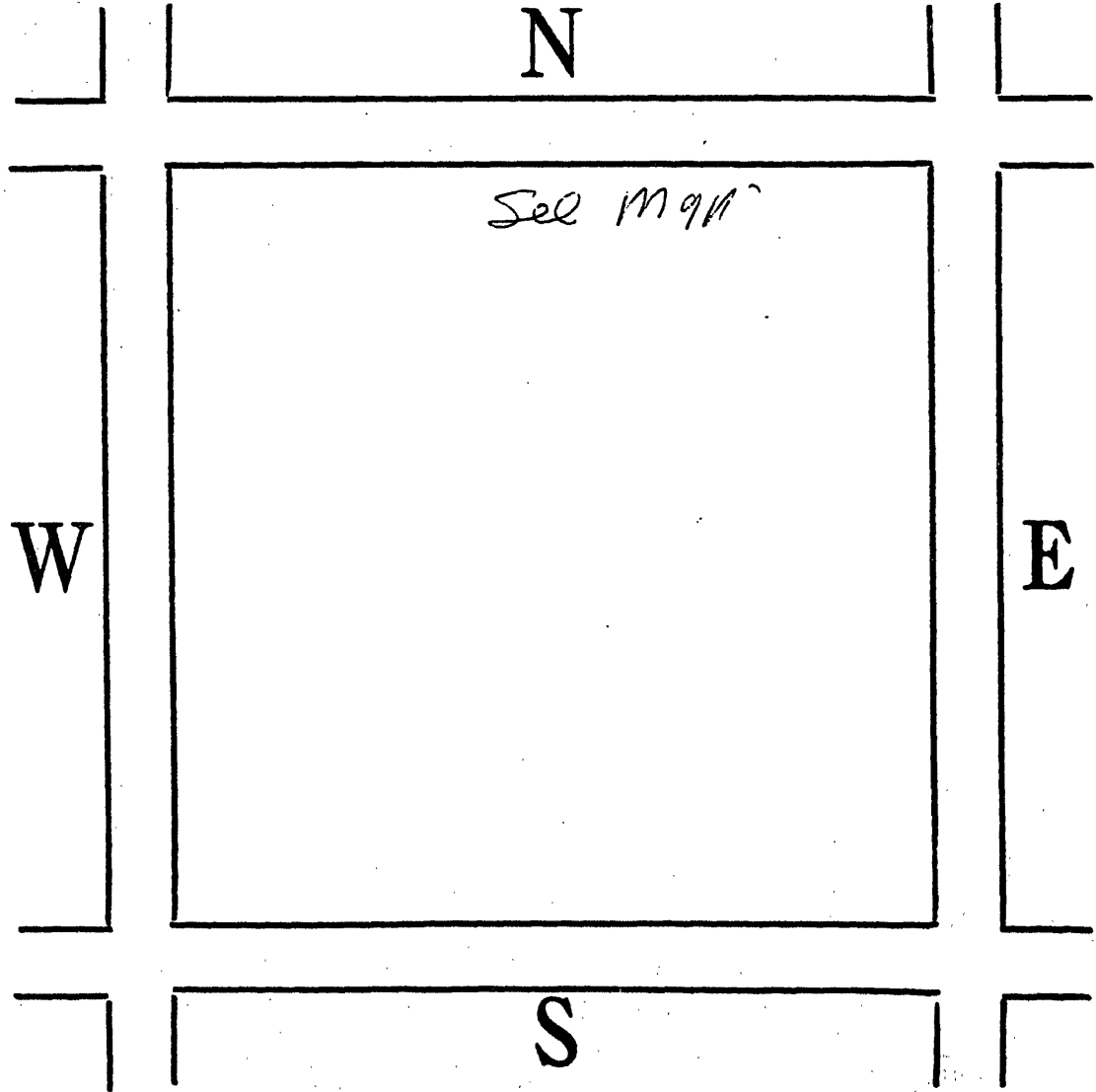
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- c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

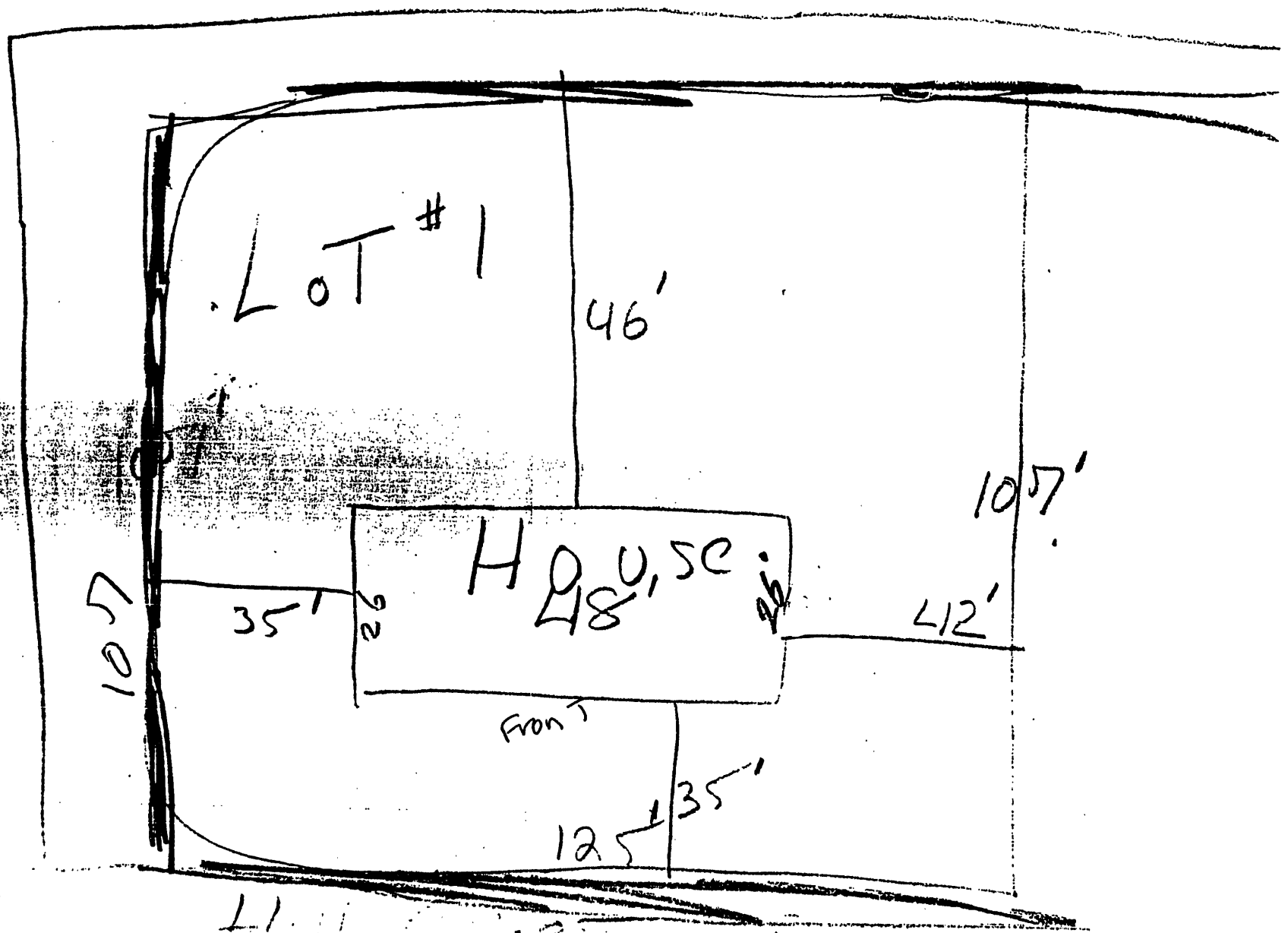
.....
(Signature of Applicant) *Baxter Warburton*
(Address of Applicant)

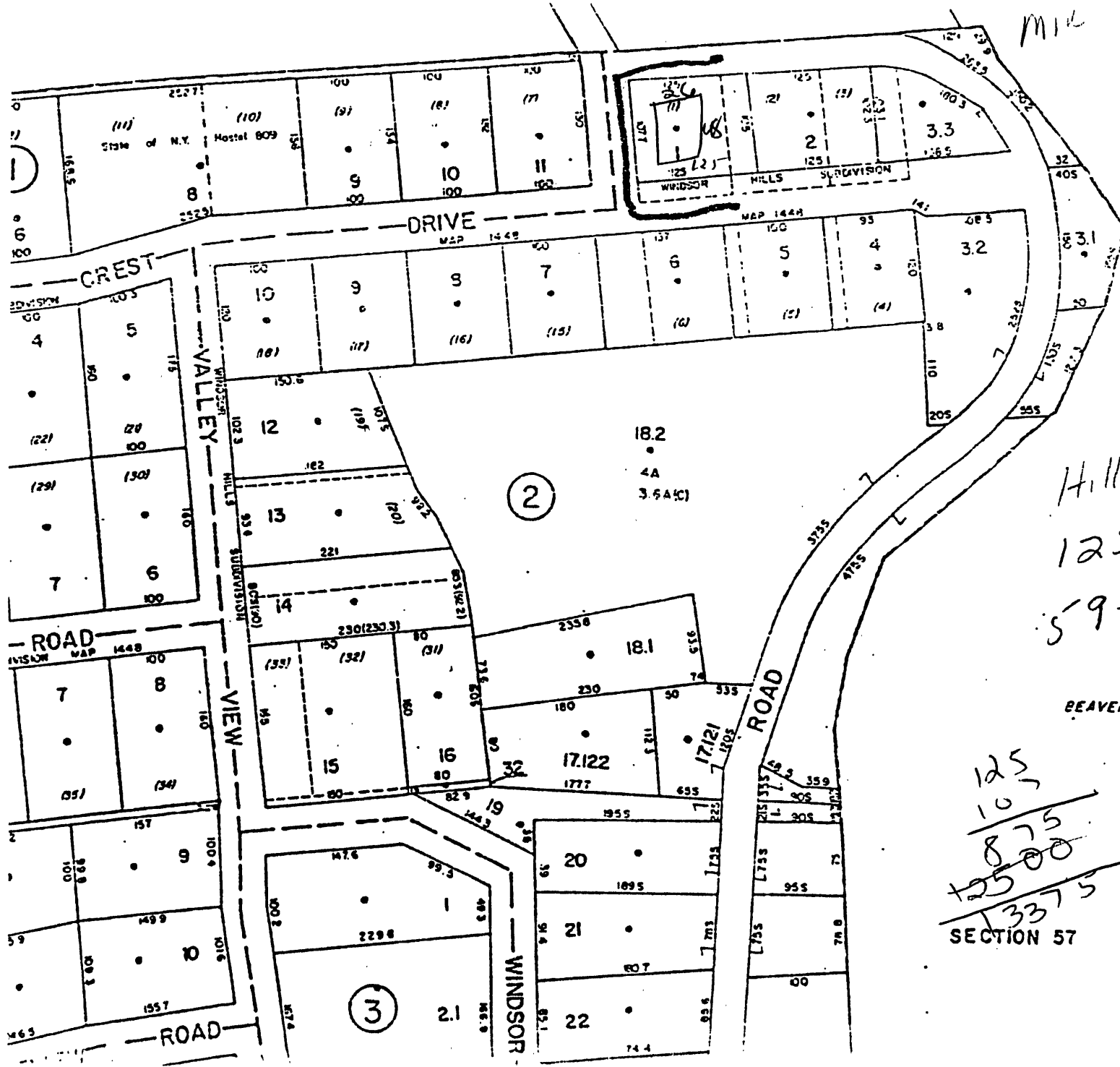
PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.
Applicant must indicate the building line or lines clearly and distinctly on the drawings.



LOT. 13.375 SF.





MIL

Flout 35.
 Look 40
 side 15/15

1.3000

Hillcrest Dr.

125 x 107

59-2-1

BEAVER DAM LAKE

125
 10
 875
 12500
 13375
 SECTION 57

SCHEDULE A

This Indenture,

Made the 28th day of August nineteen hundred and sixty-eight,

Between JOHN J. POSER, Residing at Union Avenue (no number),
M.D. 14, Newburgh, Orange County New York,

part of the first part,
and JOSEPH G. MECCA and MARION E. MECCA, husband and
wife, both residing at R.D. 4, Lakeside Drive,
(no number), New Windsor, N.Y.,

parties of the second part,

Witnesseth, that the party of the first part, in consideration of

TEN and 00/100 (\$10.00) Dollars,

lawful money of the United States,

to him paid by the parties of the second part

do es hereby grant and release unto the parties of the second part,

their heirs and assigns forever,

all that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, being part of Lots No. 1 and 2 upon a map entitled "Map of Windsor Hills, Salisbury Mills, Town of New Windsor, County of Orange, New York", made by Nial Sherwood, C.E., dated May 1950, and filed in the Office of the Clerk of the County of Orange on August 23, 1950, as map No. 1448; which parts of said lots, taken together, are bounded and described as follows:

BEGINNING at a pipe set in the ground at the intersection of the northeasterly line of Hillcrest Road and the southeasterly line of Lake Road Extension; and running thence along the southeasterly line of Lake Road Extension North 15 degrees East, 107.75 feet to a pipe in the southwesterly line of Lake Road; thence along Lake Road South 73 degrees 45' East, 125.03 feet to a pipe in the northwesterly line of other lands of Strakosch; thence along said lands South 15 degrees West, 105.02 feet to a pipe in the northeasterly line of Hillcrest Road; and thence along the same 125 feet to the point or place of beginning.

It being the intention to convey by this deed all of said Lot No. 1 and the northwesterly 25 feet of Lot No. 2 adjoining said Lot No. 1 on the aforesaid map, except the southwesterly 20 feet thereof which has been conveyed to the Town of New Windsor and is now in the bed of Hillcrest Road.

Together with an easement for the use of the Beach Areas as described in a Declaration of Beach Area Easement dated and recorded May 25, 1956, in Liber 1387 of Conveyances at p. 264 in Orange County Clerk's Office.

SEE OVER

LIBER 1802 PG 633

Between

JOHN J. POSNER, Residing at Union Avenue (no number),
M.D. 14, Newburgh, Orange County New York,

part y of the first part,

and JOSEPH C. MECCA and MARION B. MECCA, husband and
wife, both residing at R.D. 4, Lakeside Drive,
(no number), New Windsor, N.Y.,

parties of the second part,

Witnesseth, that the party of the first part, in consideration of

TEN and 00/100 (\$10.00) ----- Dollars,

lawful money of the United States,

to him

paid by the parties of the second part

do es hereby grant and release unto the parties of the second part,

their heirs and assigns forever,

All that certain plot, piece or parcel of land, with the buildings and
improvements thereon erected, situate, lying and being in the Town of
New Windsor, County of Orange and State of New York, being part of Lots
No. 1 and 2 upon a map entitled "Map of Windsor Hills, Salisbury Mills,
Town of New Windsor, County of Orange, New York", made by Nial Sherwood,
C.E., dated May 1950, and filed in the Office of the Clerk of the County
of Orange on August 23, 1950, as map No. 1448; which parts of said lots,
taken together, are bounded and described as follows:

BEGINNING at a pipe set in the ground at the intersection of the
northeasterly line of Hillcrest Road and the southeasterly line of Lake
Road Extension; and running thence along the southeasterly line of Lake
Road Extension North 15 degrees East, 107.75 feet to a pipe in the south-
westerly line of Lake Road; thence along Lake Road South 73 degrees 45'
East, 125.03 feet to a pipe in the northwesterly line of other lands of
Strakosch; thence along said lands South 15 degrees West, 105.02 feet
to a pipe in the northeasterly line of Hillcrest Road; and thence along
the same 125 feet to the point or place of beginning.

It being the intention to convey by this deed all of said Lot
No. 1 and the northwesterly 25 feet of Lot No. 2 adjoining said Lot
No. 1 on the aforesaid map, except the southwesterly 20 feet there-
of which has been conveyed to the Town of New Windsor and is now
in the bed of Hillcrest Road.

Together with an easement for the use of the Beach Areas as
described in a Declaration of Beach Area Easement dated and recorded May
25, 1956, in Liber 1387 of Conveyances at p. 264 in Orange County Clerk's
Office.

SEE OVER

LIBER 1802 PG 633

TCWP
N 8/30/68

59-2-1

L1802 PG 633
for Agmt See DB 2682 P 337 3/66/57

Together with the right to use Beaver Dam Lake for fishing, boating, recreation and sports insofar as the party of the first part has the right to grant such use to the party of the second part; it being understood and agreed by the parties hereto that only boats propelled by hand or wind shall be used upon said Lake, and that no boats propelled by motors, engines or other mechanical power will be permitted or used thereon and that the said Lake shall not be used for any business purpose whatsoever. It is further understood and agreed by the parties hereto that the party of the first part assumes no liability for damages or injuries to persons or property by reason of their grant of the use of the Lake to the party of the second part. Nothing herein contained shall impose any obligation upon the party of the first part to maintain the dam at the south end of the Lake.

Reserving, however, to the party of the first part a right of way five feet in width along the rear of the lot hereby conveyed for the purpose of maintenance, operation and repair of the water supply line to the above mentioned lot and other lots upon said map of Windsor Hills, and for the use of electric light and telephone poles and wires.

Subject to all easements and rights of way of the Central Hudson Gas and Electric Corporation and the Highland Telephone Company.

Subject to building and zoning ordinances, if any.

TOGETHER with all right, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting the above described premises to the center line thereof.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs, distributees, and assigns of the party of the second part forever.

Subject, however, to the following covenants and restrictions:

- 1) The party of the second part, his heirs and assigns, will not suffer or permit at any time any advertising sign to be erected or maintained, nor any fowls or livestock to be kept upon the premises herein, nor any noxious or noisome or other objectionable thing, having regard to the general character of the neighborhood; nor suffer nor permit any manufacturing, hotel, boarding house, or other business of any kind whatsoever upon any part of said premises.
- 2) No more than one dwelling and one garage for no more than two automobiles shall be erected upon any single lot as such lot appears upon said map of Windsor Hills, and such dwelling and/or garage shall have either manufactured shingles or clapboard siding as exterior. This covenant shall not prevent the use of a tent or other temporary shelter during the construction of said dwelling over a period not to exceed ninety days.
- 3) No dwelling shall be constructed nearer than twenty feet from the front line of any lot, or nearer than ten feet from the side line of any lot as shown on said map; and for the purpose of this restriction the frontage of a corner lot having the lesser dimension shall be considered the front line and the frontage having the greater dimension shall be considered the side line.
- 4) All septic tanks shall be installed in a manner approved by the New York State Department of Health on August 23, 1950, as indicated upon the above mentioned map of Windsor Hills.
- 5) The party of the second part shall pay to the party of the first part on or before July 1st of each year the sum of Twenty-Five (\$25.00) Dollars per lot on said map as a water charge for water supplied from the master well belonging to the party of the first part during the season from April 15th to November 1st of each year, except that the first payment shall become due upon the tapping of the water supply. This covenant shall not be construed to prevent the party of the second part from constructing a well for the use of one dwelling per lot upon said map, and in such event this covenant shall cease and terminate as to such lot, and the purchase of such water as aforesaid shall thereupon become optional with the party of the second part.

Rec'd.
ZBA 12/21/92
(PAB)

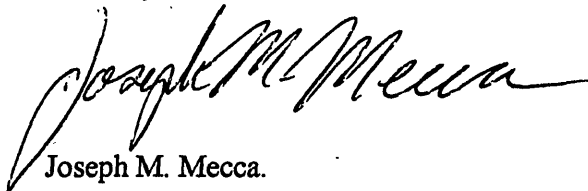
December 15, 1993

Zoning Board of Appeals
Town of New Windsor
555 Union Avenue
New Windsor, N.Y. 12553

To whom it may concern:

I, Joseph M. Mecca, acting on behalf of myself, Robert E. Mecca and Stephen J. Mecca, do hereby give permission for Quality Custom Home Contractors Inc. to seek a variance to build on my vacant lot, Sec. 59, Block 2, Lot 1, located on Hillcrest Drive in the Beaver Dam Lake area in New Windsor.

Sincerely,



Joseph M. Mecca.